
**DEPARTMENT
OF LABOR**

VETERANS
PREFERENCE
LAW

Neb. Rev. Stat. §§48-225 to 48-231



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TEXT OF THE LAW

48-225. Veterans preference; terms, defined.

For purposes of sections 48-225 to 48-231:

(1) Veteran means:

(a) A person who served full-time duty with military pay and allowances in the armed forces of the United States, except for training or for determining physical fitness, and was discharged or otherwise separated with a characterization of honorable or general (under honorable conditions); or

(b) The spouse of a veteran who has a one hundred percent permanent disability as determined by the United States Department of Veterans Affairs;

(2) Full-time duty means duty during time of war or during a period recognized by the United States Department of Veterans Affairs as qualifying for veterans benefits administered by the department and that such duty from January 31, 1955, to February 28, 1961, exceeded one hundred eighty days unless lesser duty was the result of a service-connected or service-aggravated disability;

(3) Disabled veteran means an individual who has served on active duty in the armed forces of the United States, has been discharged or otherwise separated with a characterization of honorable or general (under honorable conditions) therefrom, and has established the present existence of a service-connected disability or is receiving compensation, disability retirement benefits, or pension because of a public statute administered by the United States Department of Veterans Affairs or a military department; and

(4) Preference eligible means any veteran as defined in this section.

Source: Laws 1969, c. 751, § 1, p. 2826; Laws 1991, LB 2, § 6; Laws 2001, LB 368, § 1; Laws 2005, LB 54, § 7; Laws 2014, LB588, § 2.

Operative Date: January 1, 2015

48-226. Veterans preference; required, when.

A preference shall be given to preference eligibles seeking employment with the State of Nebraska or its governmental subdivisions.

Source: Laws 1969, c. 751, § 2, p. 2827; Laws 1997, LB 5, § 1.

48-227. Veterans preference; examination or numerical scoring; notice and application; statement; veteran; duty; notice; contents.

(1) Veterans who obtain passing scores on all parts or phases of an examination or numerical scoring shall have five percent added to their passing score if a claim for such preference is made on the application. An additional five percent shall be added to the passing score or numerical scoring of any disabled veteran.

(2) When no examination or numerical scoring is used, the preference shall be given to the qualifying veteran if two or more equally qualified candidates are being considered for the position.

(3) All notices of positions of employment available for veterans preference and all applications for such positions by the state or its governmental subdivisions shall state that the position is subject to a veterans preference.

(4) A veteran desiring to use a veterans preference shall provide the hiring authority with a copy of the veteran's Department of Defense Form 214, also known as the DD Form 214. A spouse of a veteran desiring to use a veterans

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preference shall provide the hiring authority with a copy of the veteran's Department of Defense Form 214, a copy of the veteran's disability verification from the United States Department of Veterans Affairs demonstrating a one hundred percent permanent disability rating, and proof of marriage to the veteran. Any marriage claimed for veteran preference must be valid under Nebraska law.

(5) Within thirty days after filling a position, veterans who have applied and are not hired shall be notified by regular mail, electronic mail, telephone call, or personal service that they have not been hired. Such notice also shall advise the veteran of any administrative appeal available.

Source: Laws 1969, c. 751, § 3, p. 2827; Laws 1997, LB 5, § 2; Laws 2005, LB 54, § 8; Laws 2014, LB588, § 3.

Operative Date: January 1, 2015

48-228. Repealed. Laws 1997, LB 5, § 5.

48-229. Veterans preference; Commissioner of Labor; duties.

It shall be the duty of the Commissioner of Labor to enforce the provisions of sections 48-225 to 48-231. The commissioner shall act on preference claims as follows:

(1) When the employing agency and the claimant are in disagreement or when there is doubt as to any preference claim, the commissioner shall adjudicate the claim based on information given in the claim, the documents supporting the claim, and information which may be received from the armed forces of the United States, the United States Department of Veterans Affairs, or the National Archives and Records Administration;

(2) The commissioner shall allow a tentative five-percent preference, pending receipt of additional information, to any person who claims either a five-percent or a ten-percent preference but who furnishes insufficient information to establish entitlement thereto at the time of examination; and

(3) The commissioner shall decide appeals from preference determinations made by any employing agency.

Source: Laws 1969, c. 751, § 5, p. 2827; Laws 1991, LB 2, § 7; Laws 2005, LB 54, § 9.

48-230. Veterans preference; violations; penalty.

Any person who violates sections 48-225 to 48-231 shall be guilty of a Class IV misdemeanor. Such person shall be prohibited from receiving any compensation from public funds until he or she complies with sections 48-225 to 48-231.

Source: Laws 1969, c. 751, § 6, p. 2827; Laws 1977, LB 40, § 279; Laws 2002, LB 722, § 1.

48-231. Veterans preference; county attorney; duties.

The county attorneys, in their respective counties, shall prosecute, before any court of appropriate jurisdiction, all persons charged with violating sections 48-225 to 48-231.

Source: Laws 1969, c. 751, § 7, p. 2827; Laws 2002, LB 722, § 2.